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DOLLAR TREE STORES, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICK DOUGLAS DALRYMPLE,
Plaintiff,

v.

DOLLAR TREE STORES, INC., a
Virginia Corporation; and DOES 1 –
20, Inclusive,
Defendants.

Case No. 2:21-CV-00263-MCE-DMC
(Butte County Superior Court Case
No.: 20CV01793)

[Assigned to Hon. Morrison C. England,
Jr., District Judge]

**ORDER GRANTING THE PARTIES’
STIPULATION TO CAP PLAINTIFF’S
JUDGMENT, AWARD, OR
RECOVERY AND TO REMAND**

Complaint Filed: September 11, 2020

The Court, having read and considered the Parties’ Stipulation to Cap Plaintiff’s Judgment, Award, or Recovery and to Remand, hereby ORDERS as follows:

1. Plaintiff RICK DOUGLAS DALRYMPLE’s total recovery from Defendant Dollar Tree Stores, Inc., for any injuries, damages, harms, or losses resulting from the alleged incident that occurred on Defendant DOLLAR TREE STORES, INC.’s premises on or about September 14, 2018, and which are the subject of the within action (formerly Butte County Superior Court Case No.: 20CV01793) (the “Litigation”), including, but not limited to, economic and non-economic damages

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as well as any award of attorneys' fees and costs of suit (including any award of costs for the services of expert witnesses), is hereby capped at \$74,999.99.

2. If any judgment or award, entered in his favor and against Defendant DOLLAR TREE STORES, INC., in the Litigation should exceed \$74,999.99, inclusive of any award of attorneys' fees and costs of suit (including any award of costs for the services of expert witnesses) Plaintiff RICK DOUGLAS DALRYMPLE has voluntarily waived the right to claim that portion of his final judgment or award which exceeds \$74,999.99.

3. Should any judgment or award, inclusive of any award of attorneys' fees and costs of suit (including any award of costs for the services of expert witnesses) be entered in his favor and against DEFENDANT DOLLAR TREE STORES, INC., in the Litigation, in excess of \$74,999.99, Plaintiff shall execute any necessary documents to reduce any such award or judgment to \$74,999.99, and is barred from executing on any amount of the award or judgment in excess of \$74,999.99.

4. Pursuant to the parties' Stipulation, because this matter no longer exceeds \$75,000.00, this Court no longer has subject matter jurisdiction and the matter is hereby REMANDED to the Superior Court for the State of California, County of Butte, Case No.: 20CV01793.

5. All pending dates in the Federal action are hereby vacated.

IT IS SO ORDERED.

Dated: March 31, 2021


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE